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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,285	01/23/2002	Makoto Warashina	S011-4532	7544

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11/07/2003

EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,285

Applicant(s)

WARASHINA ET AL.

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/18/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ballas, Sr. (4,282,652), hereinafter Ballas. Regarding claim 1, Ballas teaches a bush cutting machine 11 including a pipe-shaped operation rod 12, a motor 17 which is mounted to a proximal end of the operation rod 12, and a drive shaft which is extending through the operation rod 12 and it is driven by the motor 17. Ballas also teaches a cutting tool 14 that is located at a distal end of the operation rod 12 and is rotated by the drive shaft. Ballas also teaches a bar 21 that is mounted at a fixing point between the motor 17 and cutting tool 14 and right and left handgrips 26, 29 which are mounted to distal ends of the bar 21. Ballas also teaches that the handgrips 26, 29 are mounted proximate to a center gravity of a sum of a mass of the respective handgrips 26, 29 and a portion 22, 23 of the bar 21 which is extending between the fixing point and a respective one of the distal ends of the bar 21. The handgrips 26, 29 are mounted to the distal ends of each side 22, 23 of the bar 21 and they are located closely adjacent to the center of gravity along the support tube 12 of the cutting apparatus 11. Therefore, the central gravity of the sum of the mass of each side 22, 23 of the bar 21 and its respective handgrip 26, 29 is inherently arranged to be close to the mounting location of the handgrips 26, 29. See Figs. 1-5 and col. 3, lines 15-68 and col. 4, lines 1-55 in Ballas.

Regarding claims 3 and 4, Ballas teaches everything noted above including that the motor is gas-powered engine or is an electric motor. See col. 3, lines 15-20 in Ballas.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballas in view of Steere, Jr., et al. (3,344,684), hereinafter Steere. Regarding claims 2 and 8, Ballas teaches everything noted above but Ballas does not expressly teach that each handgrip has a mounting portion that is in contact with the bar and escape portions that are not in contact with the bar to reduce vibration transmitted from the bar to the handgrip. However, the use of handgrips having escape portions for reducing the vibration transmitted from the motor or the like is well known in the art such as taught by Steere. Steere teaches a handgrip 40 including a mounting portion 43 that is in contact with the bar 46 and escape portions that are not in contact with the bar 46. The pocket-shaped spaces between the inner shell 43 outer shell 44 defines the escape portions of the handgrip 40. See Figs. 1-12 and page 2, lines 50-65 and page 3, lines 1-55 in Steere. It would have been obvious to one of ordinary skill in the art to provide Ballas' cutting machine with the handgrips as taught by Steere in order to provide the user with a softer grip and better absorption of transmitted shock which from an engine or the like.

Regarding claims 11 and 12, Ballas teaches everything noted above including that the motor is gas-powered engine or is an electric motor. See col. 3, lines 15-20 in Ballas.

5. Claims 5-7, 9, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballas in view of Steere, as applied to claim 2, and in further view of Higashi et al. (6,176,016), hereinafter Higashi. Regarding claims 5, 6, 9 and 13, Ballas as modified above teaches everything noted above including a throttle control lever 27. See Fig. 1 in Ballas. Ballas as modified above does not teach that the throttle lever is mounted on the handgrip and the handgrip is made of two grip halves having inner peripheral surface portions forming the mount portion of the handgrip and held in contact with an outer circumferential surface of the bar. However, Higashi teaches a throttle lever 109 mounted on the handgrip 103. The handgrip 103 handgrip is made of two grip halves 103a, 103b having inner peripheral surface portions forming the mount portion of the handgrip and held in contact with an outer circumferential surface of the bar 102. See Figs. 21 and 22 and col. 17 lines 1-67 in Higashi. It would have been obvious to one of ordinary skill in the art to mount Ballas' throttle on the sectioned handgrip as taught by Steere in order for the operator to manipulate the throttle lever by same hand that the operator is gripping the handgrip of the cutting machine.

Regarding claims 7 and 10, Ballas as modified above teaches everything noted above including that hand grip 40 as taught by Steere has a portion 44 that is not contacted with the bar 46 and has a plurality of annular ribs 48 projecting from the inner peripheral surface of the grip halves as taught by Higashi. Ballas as modified above also teaches that the ribs 48 are spaced from one another in a longitudinal direction of the elongated body of the handgrip 40 and the annular ribs 48 have distal ends spaced from the outer circumferential surface of

the bar 46 by gaps forming the escape portions of the handgrip 40. See Figs 8 and 9 and col. 3, lines 5-30 in Steere and Figs. 21 and 22 in Higashi.

Response to Amendment

6. Applicant's arguments filed 8/18/03 have been fully considered but they are not persuasive.

Applicant's assertion that Ballas does not teach the handgrips are mounted in a position close in proximity to the center of gravity is incorrect. Handgrips 26, 29 are mounted or reside closely adjacent to the center of gravity along the operation rod 12. The handgrips 26, 29 are mounted to the distal ends of each side 22, 23 of the bar 21 and they reside closely adjacent to the center of gravity along the support tube 12 of the cutting apparatus 11. Therefore, the center of gravity of the sum of the mass of each side 22, 23 of the bar 21 and its respective handgrips 26, 29 inherently are arranged to be close to the mounting location of the handgrips 26, 29 on each side 22, 23 of the bar 21. See Figs. 1-5 and col. 3, lines 15-68 and col. 4, lines 1-55 in Ballas.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hollingsworth et al. (6,035,742), Brant et al. (5,594,990), Yamane (6,276,231), and Olmr et al. (4,972,733) teach handle including handgrips having escape portions and ribs.

Tada and Yamamoto (JP 410150825) teach a cutting machine having a bar and handgrips mounted proximate to the central gravity of the sum of the mass of the each side of the bar and its respective handgrip.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

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GA/ga

October 20, 2003



Allan N. Shoap
Supervisory Patent Examiner
Group 3700